

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

| | | |
|---|---|-----------------------------|
| United States of America |) | |
| v. |) | |
| CARLOS RAY LANIER |) | Case No: <u>3:99CR60-06</u> |
| Date of Previous Judgment: <u>11/16/00</u> |) | USM No: <u>16051-058</u> |
| (Use Date of Last Amended Judgment if Applicable) |) | Robert C. Carpenter |
| |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

| | |
|---|--|
| Previous Offense Level: <u>35</u> | Amended Offense Level: <u>33</u> |
| Criminal History Category: <u>III</u> | Criminal History Category: <u>III</u> |
| Previous Guideline Range: <u>210</u> to <u>262</u> months | Amended Guideline Range: <u>168</u> to <u>210</u> months |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/16/00 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 24, 2008

Effective Date: _____
(if different from order date)


Frank D. Whitney
United States District Judge

